

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1113 of 2025

Arising Out of PS. Case No.-94 Year-2024 Thana- AUANGARI District- Nalanda

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1. Manoj Prasad S/O Late Shanichar Mahto @ Shanichar Prasad R/O Village- Parikh, P.S- Aungari, Distt.- Nalanda.
 2. Anil Prasad S/O Late Shanichar Mahto @ Shanichar Prasad R/O Village- Parikh, P.S- Aungari, Distt.- Nalanda.
 3. Saurabh Kumar S/O Manoj Prasad @ Manoj Kumar R/O Village- Parikh, P.S- Aungari, Distt.- Nalanda.
 4. Ankit Kumar S/O Manoj Prasad R/O Village- Parikh, P.S- Aungari, Distt.- Nalanda.
 5. Pankaj Kumar S/O Late Saryug Mahto R/O Village- Parikh, P.S- Aungari, Distt.- Nalanda.

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. Brijnandan Ravidas S/O Late Basudeo Ravidas R/O Village- Chakdih, P.S- Aungari, Distt.- Nalanda.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Anirudh Kumar Sinha, Adv.
For the Respondent/s	:	Ms. Kumari Sujata Sinha, Adv.
For the State		Mr.Binay Krishna,Spl.PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 15-05-2025 Heard learned counsel for the appellants and learned counsel for the respondent no. 2 as well as learned Special Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the rejection of prayer for bail vide order dated 11.02.2025 passed by the learned Additional



Sessions Judge-VI cum Special Judge, SC/ST (POA) Act, Nalanda at Biharsharif in Aungari P.S. Case No. 94 of 2024 dated 10.11.2024 registered for the offence/s punishable u/ss 126 (2), 115(2), 117(4), 118(1), 109(1), 303(2), 352, 351(3) read with section 3(5) of the BNS and sections 3(2) (v), 3(1)(r)(s) of the SC/ST (POA) Act.

3. As per the prosecution case, the appellant Manoj Prasad is alleged to have abused the informant by calling his caste name on the issue of land dispute. Thereafter, the appellant Manoj Kumar and the co-accused persons and his family members came and assaulted the informant. The appellant Manoj Kumar assaulted the informant with a lathi on his head causing injury and the appellant Ankit Kumar assaulted on his left hand causing broken injury. When the informant's sons came to rescue, all the accused persons assaulted them with brick and stone and the co-accused Manila Devi snatched golden earring and silver chain from Mahamaya Devi.

4. Learned counsel for the appellants has submitted that the appellants have falsely been implicated in this case due to ulterior motive. There is case and counter case between the parties. Learned counsel has further submitted that the caste name was not disclosed by anyone at the time of the alleged



occurrence. As per FIR, no member of public was present at the relevant point of time of the alleged incident hence no case is made out under SC/ST Act. There is general and omnibus allegation against the appellants. As per the injury report of the Brij Nandan Ravidas, lacerated injury over skull (8x ½ x ½) which is grievous in nature and the injury report of Kuldeep Ravidas, lacerated injury over skull (8x ½ x ½) which is simple in nature but the dimension of the both injuries are same whereas one injury is grievous in nature and the other injury is simple in nature which creates doubt upon the injury report. The injured, Brij Nandan Ravidas also sustained injury in his forearm. The co-accused person has already been granted bail by this court vide order dated 03.04.2025 passed in Cr. Appeal (SJ) No. 1210/2025. The appellants have no criminal antecedent as stated in para 3 of the bail petition. The appellants are in custody since 08.02.2025.

5. Learned counsel for the respondent no. 2 as well as learned Spl. P.P. for the State has vehemently opposed the bail petition of the appellant.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellants, the impugned order



11.02.2025 passed by the learned Additional Sessions Judge-VI cum Special Judge, SC/ST (POA) Act, Nalanda at Biharsharif in Aungari P.S. Case No. 94 of 2024, is set aside against the appellants. The criminal appeal is allowed.

7. Accordingly, the above named appellants, are directed to be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned learned Additional Sessions Judge-VI cum Special Judge, SC/ST (POA) Act, Nalanda at Biharsharif in Aungari P.S. Case No. 94 of 2024 with the condition :-

(i) The appellants are directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the apprrllant are liable to be cancelled.

(Chandra Prakash Singh, J)

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